



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

DCP:ADW
F. #2020R00345

*271 Cadman Plaza East
Brooklyn, New York 11201*

April 29, 2022

By ECF

The Honorable Kiyo A. Matsumoto
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. Kevin Jay Lipsitz
Criminal Docket No. 20-394 (KAM) (RER)

Dear Judge Matsumoto:

Sentencing in the above-captioned matter is scheduled for May 5, 2022 at 11:00 a.m. Pursuant to U.S.S.G. § 6A1.3(b) and United States v. Fatico, 579 F.2d 707 (2d Cir. 1978), the defendant has requested an evidentiary hearing to resolve contested issues of material fact with respect to the pre-sentence investigation report. With the consent of the defendant, the government respectfully requests that the Court adjourn sentencing and schedule a Fatico hearing in June or July so that the parties have sufficient time to prepare for the hearing.¹ This is the government's first request for an adjournment of the sentencing date. The undersigned counsel apologizes for not submitting this request earlier and appreciates the Court's consideration of this request.

Respectfully submitted,

BREON PEACE
United States Attorney

By: /s/ Andrew Wang
Andrew Wang
Assistant U.S. Attorney
(718) 254-6311

cc: Clerk of Court (KAM) (ECF)
Defense counsel (by email)

¹ Based on pre-scheduled trials for both government and defense counsel, as well as the availability of individuals that the government expects may be called as witnesses during the hearing, the government respectfully requests that a hearing not be scheduled on May 31, June 3-24, or July 18.